

ARTICLE 7

Division 00: Soliciting — Begging — Charitable Solicitations
(*“Soliciting—Begging—Charitable Solicitations” added 10-28-1947*
by O-3562 N.S.;)

§57.05 Soliciting Patronage on Railroad Trains for Transportation Firms, Hotels, Restaurants, Etc. — Prohibited

It shall be unlawful for any person to solicit patronage for or on behalf of any person, firm or corporation engaged in the business of transporting or transferring, persons or property or baggage, or to solicit patronage for or on behalf of any hotel, lodging house, apartment house, cafe, restaurant or boarding house, in or upon any railroad train or car within the limits of The City of San Diego without the written consent of the owner of such railroad train or car.

(*Incorp. 1-22-1952 by O-5046 N.S.*)

§57.06 Soliciting Patronage for Hotel, Boarding House, Lodging House — Prohibited — Exceptions

It shall be unlawful for any person, in The City of San Diego, California, whether as principal, servant, employee or agent, for hire or otherwise, or as an officer of a corporation, or otherwise, to engage in the occupation of a runner, agent or solicitor for any hotel, boarding house, or any lodging house, or any place where board or lodging is furnished, or to solicit from any person patronage for any hotel, boarding house or lodging house, or any place where board or lodging is furnished. Provided that nothing herein contained shall apply to publishing, distributing and circulating within The City of San Diego under the direction of the publisher or publishers, their servants and agents, regularly published newspapers, magazines and periodicals notwithstanding said papers, magazines and periodicals may contain advertising matter relating to hotels, boarding houses, lodging houses and other places where board or lodging is furnished.

(*Incorp. 1-22-1952 by O-5046 N.S.*)

§57.07 Procurement or Sale of Transportation Tickets on Behalf of Another — Regulated — Fees Chargeable

It shall be unlawful for any person to require, charge, make or receive, within the corporate limits of The City of San Diego, for the procurement on behalf of another, by purchase or otherwise, of any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, a fee or service charge or any payment or consideration for rendering such service in excess of \$1.00 for the first transportation ticket, reservation or passenger accommodation or first parlor car or sleeping car reservation or

passenger accommodation, or in excess of \$1.00 for any additional transportation ticket or parlor car or sleeping car reservation or passenger accommodation over the established tariff charge or charges therefore.

(Incorp. 1-22-1952 by O-5046 N.S.)

§57.07.1 Same — Proof of Intent

It shall be unlawful for any person to procure on behalf of another person, within the corporate limits of The City of San Diego by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, with the intent, with respect to such other person, to require, charge, make or receive a service charge or any payment or consideration for rendering service in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefore.

Proof of the making of a service charge or of the receipt of any payment or consideration, in connection with the procurement of such ticket, reservation or passenger accommodation, for such other person, in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges, shall be presumptive evidence of the intent mentioned in the next preceding Section.
(Incorp. 1-22-1952 by O-5046 N.S.)

§57.07.2 Same — Sales in Excess of Specified Amounts — Prohibited

It shall be unlawful for any person to sell, resell or cause to be resold, within the corporate limits of The City of San Diego, any ticket, reservation or passenger accommodation issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, as a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefore.

(Incorp. 1-22-1952 by O-5046 N.S.)

§57.07.3 Same — Proof of Intent

It shall be unlawful for any person to procure, within the corporate limits of The City of San Diego, by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, with the intent to sell or resell the same, or cause the same to be sold or resold, at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefore.

Proof of the sale or resale of such ticket, reservation or passenger accommodation or combination thereof at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges shall be

presumptive evidence of the intent mentioned in the next preceding Section.
(*Incorp. 1-22-1952 by O-5046 N.S.*)

§57.07.4 Same — Definitions

The term “person” as used in this Section includes any officer or employee of a corporation or a member or employee of a partnership who as such officer, member or employee, is responsible for the act in respect of which the violation occurs.

The term “established tariff charge” shall be the charge set forth in the tariff as published and filed by the railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line involved.
(*Incorp. 1-22-1952 by O-5046 N.S.*)

§57.07.5 Same — Posting Notices

The person responsible for the management of each travel agency and hotel operating within the corporate limits of The City of San Diego, shall cause a copy of this Section and these Subsections to be posted in a conspicuous place upon the premises of the agency or hotel for the information of patrons, guests and members of the public at large.
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-2846 N.S. adopted 3-31-1944.*)

§57.07.6 Same — Exceptions

This law shall not apply to tickets, reservations or passenger accommodations:

- (a) To or from places outside of the continental United States and Canada, excluding Alaska; nor
- (b) To existing written contracts between any travel agency with corporations, firms or government agencies covering tourist or travel services.

(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-2846 N.S. adopted 3-31-1944.*)

§57.08 Sale of Transportation by Public Outcry in Public Places — Prohibited

It shall be unlawful for any person, as principal or agent, or otherwise, to sell, or offer for sale, or attempt to sell by public outcry upon any street, alley, park, or other public place in The City of San Diego, California, any ticket or contract for transportation.
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-6857 O.S. adopted 1-3-1917.*)

§57.08.1 Directing Attention to Places where Transportation Tickets are Sold — Public Outcry Prohibited

It shall be unlawful for any person, as principal or as agent, or otherwise, upon any street, alley, park, or other public place in The City of San Diego, California, to call

attention by public outcry to any place in The City of San Diego where tickets or contracts for transportation are sold or offered for sale.

(Incorp. 1-22-1952 by O-5046 N.S.; contained in O-6857 O.S. adopted 1-3-1917)

§57.08.2 Same — Definitions

The term “transportation” as used in this Section and Subsections shall mean the carrying of passengers by means of any vehicle, automobile, automobile stage, railroad train, electrically propelled street car, or interurban car, boat, ship or launch.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-6857 O.S. adopted 1-3-1917)

§57.10 Fortune Telling, Etc., Advertising — Prohibited

It shall be unlawful for any person or persons to advertise by sign, circular, handbill or in any newspaper, periodical or magazine, or other publication or publications, or by any other means, to tell fortunes, to find or restore lost or stolen property, to locate oil wells, gold or silver or other ore or metal or natural product, to restore lost love or friendship or affection, to unite or procure lovers, husbands, wives, lost relatives or friends, for or without pay, by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, or other craft, science, cards, talismans, charms, potions, magnetism or magnetized articles or substances, Oriental mysteries or magic of any kind or nature, or numerology, or to engage in or carry on any business the advertisement of which is prohibited in this Section and Subsections.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-574 N.S. adopted 12-28-1934.)

§57.10.1 Same — Exceptions

The provisions of this Section and Subsections shall not be construed to include, prohibit or interfere with the exercise of any religious or spiritual function of any priest, minister, rector or an accredited representative of any bona fide church or religion where such priest, minister, rector or accredited representative holds a certificate of credit, commission or ordination under the ecclesiastical laws of a religious corporation incorporated under the laws of any state or territory of the United States of America, or any voluntary religious association, and who fully conforms to the rites and practices prescribed by the supreme conference, convocation, convention, assembly, association or synod of the system or faith with which they are affiliated. Provided, however, that any church or religious organization which is organized for the primary purpose of conferring certificates of commission, credit or ordination for a price and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be a bona fide church or religious organization.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-574 N.S. adopted 12-18-1934.)

§57.14 Selling of Tickets of Admission to Places of Public Assemblage in Public Places and Places Open to The Public Prohibited — Exceptions:

- (a) It is the purpose and intent of this ordinance to prohibit the unauthorized sale or resale for profit of admission tickets to places of public amusement or entertainment including, but not limited to, stadiums, auditoriums, theatres and arenas.
- (b) No person shall sell or resell for profit or offer to sell or resell for profit any ticket of admission to a place of public assemblage in or upon any public street, sidewalk, park or other public place, or in or upon any place which is open to the public, except as otherwise provided herein.
- (c) The provisions of paragraph 2 of this section shall not include or apply to the sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefore with the express permission and authorization of the person or governmental agency in charge, care or control of the property where such office, booth or place is located.
- (d) For purposes of this section the following words and phrases are defined as follows:
 - (1) “Place of Public Assemblage” shall mean every place of public amusement or entertainment, stadium, auditorium, theatre, athletic field, concert hall or arena which is open to the public upon compliance with requirements for admission thereto.
 - (2) “Place Open to the Public” shall mean every place of public amusement or entertainment, stadium, auditorium, theatre, athletic field, concert hall or arena and the property upon which such place is located or any other property contiguous thereto which is under the same care, management or control.

(“Selling of Tickets of Admission to Places of Public Assemblage in Public Places and Places Open to The Public Prohibited — Exceptions” added 10–13–1970 by O–10430 N.S.)

§57.15 Distribution of Newspapers, etc., upon Roadways — Prohibited

It is hereby declared to be unlawful for any person to sell, give away or distribute any newspaper, handbill, periodical or other printed matter, or any article of merchandise, in or upon any roadway in The City of San Diego, as said roadway is defined by the Vehicle Code of the State of California.

Nothing in this Section shall be deemed to apply to any person otherwise licensed or regulated by any of the laws of The City of San Diego.

(Incorp. 1–22–1952 by O–5046 N.S., contained in O–897 N.S. adopted 5–6–1936.)

§57.16 Handbills— Defined— Distribution Regulated

For the purpose of this section and section 57.17, the term “handbill” means any handbill, dodger, commercial advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice, or other written, printed or painted matter calculated to attract the attention of the public and containing commercial advertising matter.

- (a) No person shall deposit, cast, throw, attach or distribute any handbill, as hereinabove defined, on, in, or upon any street or sidewalk, any motor vehicle parked or in motion upon any street in The City of San Diego, or on any other public place.
- (b) This section shall not be deemed or construed to prohibit or restrict the distribution of written or printed matter devoted to the expression of views, opinions, beliefs or contentions relating to religious, political or sociological subjects, or to public or civic affairs, or to labor disputes or other controversies, or to community, state, regional, national or international affairs, or which treat of any social or economic order, or which relate to the arts or sciences; or which are aimed to redress any grievance, or which otherwise are not distributed for the purpose of soliciting business, trade or custom; nor shall the terms of subsection (a) be deemed to include the printed notice of an event which is not arranged for profit or to stimulate the business, trade, or traffic of the person who causes the dissemination of the notice, even though a monetary admission fee be requested or accepted in connection with such event.

(Amended 5-2-1994 by O-18068 N.S.)

§57.17 Handbill Requirements On Hotel or Motel Property

- (a) It is unlawful for any person to throw into, leave upon or scatter onto the property of any hotel, motel or inn, any handbill solely for purpose of proposing a commercial transaction, unless such material clearly indicates the name, address and telephone number of the entity being advertised.
- (b) The owner or agent of any hotel, motel or inn may withdraw consent for the distribution of any handbill proposing a commercial transaction, by writing directly to the name and address listed on the material, stating clearly that consent is withdrawn for the distribution of the material.

(“Handbill Requirements On Hotel or Motel Property” added 5-2-1994 by O-18068 N.S.)